

“EXHIBIT A”

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X SEPARATOR LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

PCR DISTRIBUTING CO.

Plaintiff

vs.

JOHN DOES 1-10 d/b/a
NHENTAI.NET AND NHENTAI.TO

Defendants

vs.

PCR DISTRIBUTING CO. and PCR
DISTRIBUTING CO. d/b/a J18
Publishing and d/b/a JAST USA
Counter-Defendants

Case No. 2:24-cv-07453-CV-AJR

**DEFENDANT X SEPARATOR
LLC'S FIRST AMENDED
ANSWER TO AMENDED
COMPLAINT FOR COPYRIGHT
INFRINGEMENT AND RELATED
CLAIMS, AFFIRMATIVE
DEFENSES, AND
COUNTERCLAIMS**

Judge: Honorable Cynthia Valenzuela

DEMAND FOR JURY TRIAL

Defendant X Separator LLC “Defendant” files this First Amended Answer to Plaintiff’s Amended Complaint for Copyright Infringement and Related Claims (“Complaint”), Affirmative Defenses, and Counterclaims.

“Defendant,” as used herein, refers solely to X Separator LLC. Defendant cannot and does not answer any allegations in the Complaint on behalf of DOES 1-10, i.e., unidentified defendants, named in the Complaint. Defendant cannot and does not answer any allegations in the Complaint on behalf of Nhentai.to. Accordingly, Defendant cannot admit or deny any allegations that include or relate to DOES 1-10 and Plaintiff’s definition of “Defendants” as used throughout the Complaint is improper. To the extent Defendant is required to answer on behalf of DOES 1-10 or Nhentai.to, Defendant lacks knowledge or information sufficient to form a belief about the truth of allegations concerning other defendants including those fictitiously named. Defendant denies that “[c]ollectively, nHentai.net and nHentai.to may be referred to as ‘nHentai.’” Defendant also lacks information sufficient to form a belief about any reference in the Complaint to “nHentai” or “Nhentai,” as Plaintiff improperly refers to nHentai.net and nHentai.to collectively throughout as “nHentai.”

I. ANSWER TO PLAINTIFF’S COMPLAINT

Defendant denies the allegations and characterizations in any of the headings, subheadings, or paragraphs in the Complaint unless expressly admitted in the following paragraphs.

II. ANSWER TO PRELIMINARY STATEMENT

1. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1 of the Complaint.

2. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2 of the Complaint.

3. Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 3 of the Complaint that “By this
2 lawsuit, Plaintiff seeks to protect its registered, copyrighted works” Defendant
3 denies any remaining allegations in paragraph 3 of the Complaint.

4 4. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 4 of the Complaint.

6 5. Defendant lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in paragraph 5 of the Complaint regarding
8 “nHentai.” Defendant denies any remaining allegations in paragraph 5 of the
9 Complaint.

10 6. Defendant lacks knowledge or information sufficient to form a belief
11 about the truth of the allegations in paragraph 6 of the Complaint.

12 7. Defendant denies the allegations in paragraph 7 of the Complaint.

13 **III. ANSWER TO JURISDICTION AND VENUE**

14 8. Defendant admits that this is a civil action as stated in paragraph 8 of
15 the Complaint. Defendant admits that Plaintiff purports to “seek[] damages and
16 injunctive relief for copyright infringement under the Copyright Act, 17 U.S.C. §
17 101 *et seq*” as stated in paragraph 8 of the Complaint. Defendant denies any
18 remaining allegations in paragraph 8 of the Complaint.

19 9. Defendant admits that Plaintiff purports that this Court has subject
20 matter jurisdiction over Plaintiff’s claims for copyright infringement under 28
21 U.S.C. §§1331 and 1338 as stated in paragraph 9 of the Complaint. Defendant denies
22 any remaining allegations in paragraph 9 of the Complaint.

23 10. Defendant lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in paragraph 10 of the Complaint that “Defendants
25 Does 1-7, d/b/a nHentai.net (“Defendants”) are unknown individuals or entities that
26 own and operate at least one website, located at the uniform resource locator
27 (“URL”) nHentai.net.” Defendant lacks knowledge or information sufficient to form

1 a belief about the truth of the allegations in paragraph 10 of the Complaint regarding
2 Plaintiff's "information and belief." Defendant admits the allegation paragraph 10
3 of the Complaint that "the owners and/or operators of nHentai.net have a business
4 presence in the United States." Defendant denies any remaining allegations in
5 paragraph 10 of the Complaint.

6 11. Defendant lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in paragraph 11 of the Complaint regarding
8 "Defendants Does 8-10" and "nHentai.to." Defendant denies that "[c]ollectively,
9 nHentai.net and nHentai.to may be referred to as 'nHentai.'" Defendant denies any
10 remaining allegations in paragraph 11 of the Complaint.

11 12. Defendant lacks knowledge or information sufficient to form a belief
12 about the truth of the allegations in paragraph 12 of the Complaint regarding
13 "nHentai." Defendant denies any remaining allegations in paragraph 12 of the
14 Complaint.

15 13. Defendant lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in paragraph 13 of the Complaint regarding
17 "nHentai." Defendant denies any remaining allegations in paragraph 13 of the
18 Complaint.

19 14. Defendant lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in paragraph 14 of the Complaint regarding
21 "nHentai." Defendant lacks knowledge or information sufficient to form a belief
22 about the truth of the allegations in paragraph 14 of the Complaint and the Exhibit
23 A referenced in footnote 1 accompanying paragraph 14 of the Complaint. Defendant
24 denies any remaining allegations in paragraph 14 of the Complaint.

25 15. Defendant lacks knowledge or information sufficient to form a belief
26 about the truth of the allegations in paragraph 15 of the Complaint regarding
27 "nHentai." Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 15 of the Complaint regarding
2 Plaintiff's "information and belief" and the "source" referenced in footnote 2
3 accompanying paragraph 15 of the Complaint. Defendant denies any remaining
4 allegations in paragraph 15 of the Complaint.

5 16. Defendant lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in paragraph 16 of the Complaint.

7 17. Defendant lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in paragraph 17 of the Complaint regarding
9 "nHentai." Defendant lacks knowledge or information sufficient to form a belief
10 about the truth of the remaining allegations in paragraph 17 of the Complaint and
11 footnote 3 accompanying paragraph 17 of the Complaint.

12 18. Defendant lacks knowledge or information sufficient to form a belief
13 about the truth of the allegations in paragraph 18 of the Complaint and in footnote 4
14 accompanying paragraph 18 of the Complaint.

15 19. Defendant denies the allegations in paragraph 19 of the Complaint.

16 20. Defendant lacks knowledge or information sufficient to form a belief
17 about the truth of the allegations in paragraph 20 of the Complaint regarding
18 Plaintiff's "information and belief." Defendant denies the allegations in paragraph
19 20 of the Complaint.

20 21. Defendant lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in paragraph 21 of the Complaint.

22 22. Defendant admits that Plaintiff purports that "[v]enue is appropriate in
23 this District pursuant to 28 U.S.C. § 1391(b)" as stated in paragraph 22 of the
24 Complaint. Defendant lacks knowledge or information sufficient to form a belief
25 about the truth of the remaining allegations in paragraph 22 of the Complaint.

26 **IV. ANSWER TO PARTIES**

27 23. Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 23 of the Complaint.

2 24. Defendant lacks knowledge or information sufficient to form a belief
3 about the truth of the allegations in paragraph 24 of the Complaint.

4 25. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 25 of the Complaint.

6 26. Defendant lacks knowledge or information sufficient to form a belief
7 about the truth of the allegations in paragraph 26 of the Complaint.

8 27. Defendant lacks knowledge or information sufficient to form a belief
9 about the truth of the allegations in paragraph 27 of the Complaint.

10 28. Defendant admits that in paragraph 28 of the Complaint, Plaintiff
11 purports to attach as Exhibit B to the Complaint “[a] schedule of the copyright
12 registrations for Plaintiff’s works.” Defendant lacks knowledge or information
13 sufficient to form a belief about the truth of the remaining allegations in paragraph
14 28 of the Complaint.

15 29. Defendant admits that in paragraph 29 of the Complaint, Plaintiff
16 purports to attach as Exhibit C to the Complaint “[a] list of additional works with
17 identifying information.” Defendant lacks knowledge or information sufficient to
18 form a belief about the truth of the remaining allegations in paragraph 29 of the
19 Complaint.

20 30. Defendant lacks knowledge or information sufficient to form a belief
21 about the truth of the allegations in paragraph 30 of the Complaint.

22 31. Defendant lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in paragraph 31 of the Complaint.

24 32. Defendant denies the allegations in paragraph 32 of the Complaint.

25 33. Defendant admits the statement in paragraph 33 of the Complaint that
26 it owns and operates the URL located at nhentai.net.

27 34. Defendant denies the allegations in paragraph 34 of the Complaint.

35. Defendant admits the statement in paragraph 35 of the Complaint that the Nhentai.net website is available in the United States.

36. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 36 of the Complaint regarding “nHentai.” Defendant admits that it operates nhentai.net with the intention of making available content in the United States and earning money from the United States market. Defendant denies any remaining allegations in paragraph 36 of the Complaint.

37. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37 of the Complaint regarding “nHentai.” Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 37 of the Complaint regarding Plaintiff’s awareness, information, or belief or whether Plaintiff will amend the complaint to state the true names of the defendants when their identities are discovered. Defendant denies the allegation in paragraph 37 of the Complaint that it is liable for “all acts alleged here.” Defendant denies the allegations in paragraph 37 of the Complaint that it is the cause in fact and proximate cause of all injuries suffered by Plaintiff as described. Defendant denies any remaining allegations in paragraph 37 of the Complaint.

V. ANSWER TO STATEMENT OF FACTS

38. Defendant denies the allegations in paragraph 38 of the Complaint.

39. Defendant admits the statement in paragraph 39 of the Complaint that nhentai.net is a platform for adult manga and doujinshi content and that the nhentai.net website hosts a collection of works. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 39 of the Complaint regarding Plaintiff’s “information and belief,” whether nhentai.net attracts over 79,000,000 visits per month, whether the collection of

works on nhentai.net include “commercially produced content,” or regarding footnotes 5, 6, and 7 accompanying paragraph 39 of the Complaint. Defendant denies any remaining allegations in paragraph 39 of the Complaint.

40. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40 of the Complaint regarding “nHentai.” Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 40 of the Complaint regarding Plaintiff’s “information and belief.” Defendant denies any remaining allegations in paragraph 40 of the Complaint.

41. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 41 of the Complaint regarding “nHentai” or regarding footnote 8 accompanying paragraph 41 of the Complaint. Defendant admits that <https://nhentai.net/info/> contains the statement "No, we are not going to add a forum, ever." Defendant denies any remaining allegations in paragraph 41 of the Complaint.

42. Defendant denies the allegations in paragraph 42 of the Complaint.

43. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 43 of the Complaint regarding “nHentai” or regarding Plaintiff’s “information and belief.” Defendant denies any remaining allegations in paragraph 43 of the Complaint.

44. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 44 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 44 of the Complaint.

45. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 45 of the Complaint.

46. Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 46 of the Complaint regarding
2 Plaintiff's "information and belief" or "costs typically associated with content
3 production." Defendant denies any remaining allegations in paragraph 46 of the
4 Complaint.

5 47. Defendant lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in paragraph 47 of the Complaint regarding
7 "nHentai" and "the site." Defendant denies any remaining allegations in paragraph
8 47 of the Complaint.

9 48. Defendant lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in paragraph 48 of the Complaint regarding
11 "nHentai." Defendant denies any remaining allegations in paragraph 48 of the
12 Complaint.

13 49. Defendant lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in paragraph 49 of the Complaint regarding
15 "nHentai," Plaintiff's "information and belief," and "those websites." Defendant
16 denies any remaining allegations in paragraph 49 of the Complaint.

17 50. Defendant lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in paragraph 50 of the Complaint regarding
19 Plaintiff's "information and belief," "nHentai," "Plaintiff's agents routinely
20 polic[ing] websites to identify infringement of Plaintiff's copyrighted works," or
21 what those "investigations revealed." Defendant denies any remaining allegations in
22 paragraph 50 of the Complaint.

23 51. Defendant lacks knowledge or information sufficient to form a belief
24 about the truth of the allegations in paragraph 51 of the Complaint regarding
25 "nHentai" and what "Plaintiff had identified" on the "nHentai website." Defendant
26 denies any remaining allegations in paragraph 51 of the Complaint.

27 52. Defendant lacks knowledge or information sufficient to form a belief

1 about the truth of the allegations in paragraph 52 of the Complaint regarding
2 “nHentai” or “Nhentai” or what “[a]dditional notice were sent to Google.”
3 Defendant denies any remaining allegations in paragraph 52 of the Complaint.

4 53. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 53 of the Complaint regarding
6 “nHentai.” Defendant denies any remaining allegations in paragraph 53 of the
7 Complaint.

8 54. Defendant denies the allegations in paragraph 54 of the Complaint.

9 55. Defendant lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in paragraph 55 of the Complaint.

11 56. Defendant admits the allegation in paragraph 56 of the Complaint that
12 U.S. Copyright Registration No. TXu002435667 is entitled “Elven Bride ReBridal
13 and 8 Other Unpublished Works” and that one of the works in U.S. Copyright
14 Registration No. TXu002435667 was “Sexual Healing.” Defendant lacks knowledge
15 or information sufficient to form a belief about the truth of the remaining allegations
16 in paragraph 56 of the Complaint.

17 57. Defendant lacks knowledge or information sufficient to form a belief
18 about the truth of the allegations in paragraph 57 of the Complaint regarding
19 “nHentai.” Defendant lacks knowledge or information sufficient to form a belief
20 about the truth of the allegations in paragraph 57 of the Complaint.

21 58. Defendant admits the allegation in paragraph 58 of the Complaint that
22 The Junior Spellcaster and the Succubus Curse is listed in U.S. Reg. No.
23 TXu002409564, with a registration date of October 13, 2023. Defendant denies any
24 remaining allegations in paragraph 58 of the Complaint.

25 59. Defendant admits the allegation in paragraph 59 of the Complaint that
26 She’s Somebody’s Spouse is listed in TXu002391218. Defendant denies any
27 remaining allegations in paragraph 59 of the Complaint.

1 60. Defendant lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in paragraph 60 of the Complaint.

3 61. Defendant lacks knowledge or information sufficient to form a belief
4 about the truth of the allegations in paragraph 61 of the Complaint regarding
5 “nHentai” or “Defendants’ website.” Defendant denies any remaining allegations in
6 paragraph 61 of the Complaint.

7 62. Defendant lacks knowledge or information sufficient to form a belief
8 about the truth of the allegations in paragraph 62 of the Complaint.

9 63. Defendant lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in paragraph 63 of the Complaint regarding
11 Plaintiff’s “information and belief.” Defendant denies the allegations in paragraph
12 63 of the Complaint.

13 64. Defendant denies the allegations in paragraph 64 of the Complaint.

14 65. Defendant denies the allegations in paragraph 65 of the Complaint.

15 66. Defendant lacks knowledge or information sufficient to form a belief
16 about the truth of the allegations in paragraph 66 of the Complaint regarding
17 “nHentai.” Defendant denies any remaining allegations in paragraph 66 of the
18 Complaint.

19 67. Defendant denies the allegations in paragraph 67 of the Complaint.

20 **VI. ANSWER TO FIRST CAUSE OF ACTION**

21 68. Defendant incorporates by reference the above responses to the
22 allegations of the Complaint as if fully set forth herein. Defendant denies the
23 allegations in paragraph 68 of the Complaint.

24 69. Defendant lacks knowledge or information sufficient to form a belief
25 about the truth of the allegations in paragraph 69 of the Complaint.

26 70. Defendant lacks knowledge or information sufficient to form a belief
27 about the truth of the allegations in paragraph 70 of the Complaint.

1 71. Defendant denies the allegations in paragraph 71 of the Complaint.

2 72. Defendant denies the allegations in paragraph 72 of the Complaint.

3 73. Defendant denies the allegations in paragraph 73 of the Complaint.

4 74. Defendant lacks knowledge or information sufficient to form a belief
5 about the truth of the allegations in paragraph 74 of the Complaint regarding
6 “nHentai.” Defendant denies any remaining allegations in paragraph 74 of the
7 Complaint.

8 75. Defendant denies the allegations in paragraph 75 of the Complaint.

9 76. Defendant lacks knowledge or information sufficient to form a belief
10 about the truth of the allegations in paragraph 76 of the Complaint regarding
11 “nHentai.” Defendant denies any remaining allegations in paragraph 76 of the
12 Complaint.

13 77. Defendant lacks knowledge or information sufficient to form a belief
14 about the truth of the allegations in paragraph 77 of the Complaint regarding
15 Plaintiff’s “information and belief” or “nHentai.” Defendant denies any remaining
16 allegations in paragraph 77 of the Complaint.

17 78. Defendant denies the allegations in paragraph 78 of the Complaint.

18 79. Defendant lacks knowledge or information sufficient to form a belief
19 about the truth of the allegations in paragraph 79 of the Complaint regarding
20 Plaintiff’s “information and belief” or “nHentai.” Defendant denies any remaining
21 allegations in paragraph 79 of the Complaint.

22 80. Defendant lacks knowledge or information sufficient to form a belief
23 about the truth of the allegations in paragraph 80 of the Complaint regarding
24 “nHentai.” Defendant denies any remaining allegations in paragraph 80 of the
25 Complaint.

26 81. Defendant denies the allegations in paragraph 81 of the Complaint.

27 82. Defendant denies the allegations in paragraph 82 of the Complaint.

VII. ANSWER TO SECOND CAUSE OF ACTION

83. Defendant incorporates by reference the above responses to the allegations of the Complaint as if fully set forth herein. Defendant denies the allegations in paragraph 83 of the Complaint.

84. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 84 of the Complaint regarding “[u]nknown individuals” or “Defendants’ websites.” Defendant denies any remaining allegations in paragraph 84 of the Complaint.

85. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 85 of the Complaint regarding Plaintiff’s “information and belief.” Defendant denies any remaining allegations in paragraph 85 of the Complaint.

86. Defendant denies the allegations in paragraph 86 of the Complaint.

87. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 87 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 87 of the Complaint.

88. Defendant denies the allegations in paragraph 88 of the Complaint.

89. Defendant denies the allegations in paragraph 89 of the Complaint.

90. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 90 of the Complaint regarding Plaintiff’s “information and belief” or “nHentai.” Defendant denies any remaining allegations in paragraph 90 of the Complaint.

91. Defendant denies the allegations in paragraph 91 of the Complaint.

92. Defendant denies the allegations in paragraph 92 of the Complaint.

93. Defendant denies the allegations in paragraph 93 of the Complaint.

94. Defendant denies the allegations in paragraph 94 of the Complaint.

VIII. ANSWER TO THIRD CAUSE OF ACTION

95. Defendant incorporates by reference the above responses to the allegations of the Complaint as if fully set forth herein. Defendant denies the allegations in paragraph 95 of the Complaint.

96. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 96 of the Complaint regarding “[u]nknown individuals” or “Defendants’ websites.” Defendant denies any remaining allegations in paragraph 96 of the Complaint.

97. Defendant denies the allegations in paragraph 97 of the Complaint.

98. Defendant denies the allegations in paragraph 98 of the Complaint.

99. Defendant denies the allegations in paragraph 99 of the Complaint.

100. Defendant denies the allegations in paragraph 100 of the Complaint.

101. Defendant denies the allegations in paragraph 101 of the Complaint.

102. Defendant denies the allegations in paragraph 102 of the Complaint.

IX. ANSWER TO FOURTH CAUSE OF ACTION

103. Defendant incorporates by reference the above responses to the allegations of the Complaint as if fully set forth herein. Defendant denies the allegations in paragraph 103 of the Complaint.

104. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 104 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 104 of the Complaint.

105. Defendant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 105 of the Complaint regarding “nHentai.” Defendant denies any remaining allegations in paragraph 105 of the Complaint.

106. Defendant denies the allegations in paragraph 106 of the Complaint.

1 107. Defendant lacks knowledge or information sufficient to form a belief
2 about the truth of the allegations in paragraph 107 of the Complaint regarding
3 “nHentai.” Defendant denies any remaining allegations in paragraph 107 of the
4 Complaint.

5 108. Defendant lacks knowledge or information sufficient to form a belief
6 about the truth of the allegations in paragraph 108 of the Complaint regarding
7 “nHentai.” Defendant denies any remaining allegations in paragraph 108 of the
8 Complaint.

9 109. Defendant denies the allegations in paragraph 109 of the Complaint.

10 110. Defendant denies the allegations in paragraph 110 of the Complaint.

11 111. Defendant denies the allegations in paragraph 111 of the Complaint.

12 112. Defendant denies the allegations in paragraph 112 of the Complaint.

13 113. Defendant denies the allegations in paragraph 113 of the Complaint.

14 114. Defendant denies the allegations in paragraph 114 of the Complaint.

15 115. Defendant denies the allegations in paragraph 115 of the Complaint.

16 **X. ANSWER TO PRAYER FOR RELIEF**

17 Defendant denies that Plaintiff is entitled to any of the relief requested in the
18 Prayer for Relief in the Complaint or to any relief whatsoever from Defendant.

19 116. Defendant denies that Plaintiff is entitled to any relief requested in
20 Section A of its Prayer for Relief in the Complaint.

21 117. Defendant denies that Plaintiff is entitled to any relief requested in
22 Section B of its Prayer for Relief in the Complaint.

23 118. Defendant denies that Plaintiff is entitled to any relief requested in
24 Section C of its Prayer for Relief in the Complaint.

25 119. Defendant denies that Plaintiff is entitled to any relief requested in
26 Section D of its Prayer for Relief in the Complaint.

27 120. Defendant denies that Plaintiff is entitled to any relief requested in

Section E of its Prayer for Relief in the Complaint.

121. Defendant denies that Plaintiff is entitled to any relief requested in Section F of its Prayer for Relief in the Complaint.

122. Defendant denies that Plaintiff is entitled to any relief requested in Section G of its Prayer for Relief in the Complaint.

123. Defendant denies that Plaintiff is entitled to any relief requested in Section H of its Prayer for Relief in the Complaint.

124. Defendant denies that Plaintiff is entitled to any relief requested in Section I of its Prayer for Relief in the Complaint.

125. Defendant denies that Plaintiff is entitled to any relief requested in Section J of its Prayer for Relief in the Complaint.

XI. ANSWER TO DEMAND FOR JURY TRIAL

To the extent a response is required, Defendant admits that Plaintiff has demanded a trial by jury on all issues triable by jury.

XII. DEFENDANT'S AFFIRMATIVE DEFENSES

Defendant hereby asserts the following affirmative defenses:

1. **Unclean Hands.** Plaintiff's claims are barred due to its commission of "wrongdoing 'of serious proportions.'" *Saxon v. Blann*, 968 F.2d 676, 680 (8th Cir. 1992) (citing 3 Melville B. Nimmer, *Copyright*, § 13.09[B] at 13–148–49 (1991)). Plaintiff has made misrepresentations to the Court and has manipulated the judicial process through the purported enforcement of the asserted copyrights.

2. **Failure to State a Claim.** Plaintiff's claims are barred due to its failure to state a claim, including but not limited to Plaintiff's failure to state a claim for ownership of a valid copyright as to each of the asserted copyrights and use of the allegedly copyrighted material without permission.

3. **Consent.** Plaintiff's claims are barred in whole or in part on the grounds that Defendant's use, if any, of allegedly infringing materials was based on express

1 consent/permission by Plaintiff.

2 4. **Statute of Limitations.** Plaintiff's claims for copyright infringement
3 are therefore barred in whole or in part by Section 507(b) of the Copyright Act
4 precluding claims commenced more than three years after the claim accrued.

5 5. **Estoppel.** Plaintiff's claims are barred due to Plaintiff's express,
6 unrestricted permission to Defendant to use Plaintiff's allegedly copyrighted
7 content. Plaintiff clearly intended that Defendant act on that permission. Defendant
8 had no reason to believe that Plaintiff would later assert copyright infringement by
9 Defendant as to any of its alleged content. Defendant detrimentally relied on
10 Plaintiff's representations. Plaintiff's prior statements and actions are inconsistent
11 with the legal positions it is now taking, purporting to place Defendant at a
12 disadvantage.

13 6. **Waiver:** Plaintiff's claims are barred by its clear intention to relinquish
14 any right, advantage or benefit relating to the allegedly copyrighted works.

15 7. **Acquiescence.** Plaintiff's claims are barred because Plaintiff has
16 acquiesced to the use, if any, by Defendant of the allegedly copyrighted materials.

17 8. **Copyright Misuse.** Plaintiff's claims are barred in whole or in part on
18 the grounds that Plaintiff has used its alleged copyrights in a manner that is contrary
19 to public policy and purports to extend the alleged copyright beyond their intended
20 reach.

21 9. **Fraud on the Copyright Office.** Plaintiff's claims are barred as
22 Plaintiff made express representations to the U.S. Copyright Office in obtaining
23 certain of the asserted copyrights in which Plaintiff agreed to a narrow and more
24 limited scope than what was included in Plaintiff's original applications.

25 10. **Innocent Infringement/No Willful Infringement.** Plaintiff's claims
26 are barred because the permission granted to Defendant for use of Plaintiff's now
27 allegedly copyrighted content rendered Defendant unaware and with no reason to

1 believe its acts, if any, constituted infringement of any copyrights.

2 11. **Express or Implied License.** Plaintiff's claims are barred because
3 Plaintiff granted Defendant an express and/or implied license in Plaintiff's allegedly
4 copyrighted materials through Plaintiff's unrestricted permission/consent given to
5 Defendant.

6 12. **No Infringement.** Plaintiff's claims are barred in whole or in part on
7 the grounds that Defendant's use, if any, of allegedly copyrighted materials was
8 based on express consent/permission by Plaintiff and does not constitute
9 infringement.

10 13. **Non-Copyrightable Subject Matter.** Plaintiff's claims are barred in
11 whole or in part as alleged copyrights in the English translations of preexisting works
12 are not valid, as the translations do not have the requisite originality and consist of
13 unprotectable content.

14 14. **Scènes à Faire.** Plaintiff's claims are barred as the asserted copyrights
15 purport to claim protection of situations and incidents that flow necessarily or
16 naturally from a basic or generic plot line, common scenes and themes, standard or
17 stock expressions, and clichéd language that are not protected or protectable
18 elements.

19 15. **Independent Creation.** Plaintiff's claims are barred as the allegedly
20 copyrighted works existed before the date of creation of Plaintiff's asserted
21 copyrights, were independently created, and not copied.

22 16. **No Entitlement to Statutory Damages or Attorneys' Fees.** Pursuant
23 to 17 U.S.C. § 412, Plaintiff is statutorily and mandatorily barred from claiming
24 statutory damages or attorneys' fees under the Copyright Act, as any alleged acts of
25 infringement occurred before first registration of the Plaintiff's allegedly
26 copyrighted materials.

27 17. **Failure to Mitigate Damages.** Plaintiff is not entitled to an award of

1 damages, as it took no action to avoid or reduce any of the damages it now claims
2 for purported copyright infringement.

3 18. **Adequate Remedies at Law.** Plaintiff's claims for injunctive relief are
4 barred, as it has adequate remedies at law to protect its interests in the allegedly
5 infringing materials, if any such protection exists.

6 **XIII. DEFENDANT/COUNTER-PLAINTIFF'S COUNTERCLAIMS**

7 1. X Separator LLC ("Defendant/Counter-Plaintiff"), by its undersigned
8 counsel, for its counterclaims against PCR Distributing Co. and PCR Distributing
9 Co., d/b/a JAST USA and d/b/a J18 Publishing ("Plaintiff/Counter-Defendant")
10 alleges as follows ("Counterclaims").

11 **XIV. JURISDICTION AND VENUE**

12 2. The Court has subject matter jurisdiction over Defendant/Counter-
13 Plaintiff's counterclaims under 28 U.S.C. § 1367(a) because they are so related to
14 Plaintiff/Counter-Defendant's claims that they form part of the same case or
15 controversy under Article III of the United States Constitution. Plaintiff/Counter-
16 Defendant is subject to personal jurisdiction in this district with respect to this action
17 as Plaintiff/Counter-Defendant filed suit in the instant case and in this district,
18 despite residing in the Southern District of California.

19 3. Venue is proper in this district as Plaintiff/Counter-Defendant filed suit
20 relating to the matters at issue in these Counterclaims in this district filed by
21 Plaintiff/Counter-Defendant, despite its principal place of business in the Southern
22 District of California.

23 **XV. PARTIES**

24 4. Defendant/Counter-Plaintiff realleges and reincorporates the
25 allegations in paragraphs 1-3 of the Counterclaims as though fully set forth herein.

26 5. X Separator LLC is a limited liability company organized and existing
27 under the laws of the State of Delaware.

6. PCR Distributing Co. is a California corporation with its principal place of business at 8524 Commerce Ave., Suite B, San Diego, CA 92121. Upon information and belief and based on Plaintiff/Counter-Defendant's statements to the Court and representations of its counsel, PCR Distributing Co. does business as and/or operates under the fictitious business name of JAST USA and J18 Publishing. These entities are collectively referred to herein as Plaintiff/Counter-Defendant.

XVI. FACTS

7. Defendant/Counter-Plaintiff realleges and reincorporates the allegations in paragraphs 1-6 of the Counterclaims as though fully set forth herein.

8. In October of 2020, David Goldberg ("Goldberg"), on behalf of Plaintiff/Counter-Defendant, sent email correspondence to Defendant/Counter-Plaintiff *expressly giving permission*, in writing, for www.nhentai.net to host Plaintiff/Counter-Defendant's alleged content. Goldberg sent this email correspondence from his email address of goldberg@jastusa.com. The email correspondence was entitled "Permission granted to host our content: J18 Publishing."

9. In that email, Goldberg states: "Right from the beginning, I want to stress ***that this isn't a takedown request or a DMCA***" (emphasis added).

10. In the same email, Goldberg states: "***We don't want to try to take down any of our galleries--*** we just want people to have a simple, safe, and easy way of getting to our site where they can buy physical copies of the comics they love" (emphasis added).

11. Goldberg goes on to state in his October 2020 email: "We know the only reason that any market at all for anime or manga exists in the West is because of piracy, so ***we're not interested in trying to fight any sites about this stuff***" (emphasis added).

12. Goldberg further states that using Plaintiff/Counter-Defendant's

1 purported content would be a way to “support doujinshi creators *through us....*” by
2 putting banner advertisements on properties to which *we have the rights*” or “to
3 which *we own or manage the rights*” (emphases added).

4 13. A few months later - in December of 2020 - Goldberg sent
5 Defendant/Counter-Plaintiff an email providing a spreadsheet of over 3,300 links on
6 www.nhentai.net of which it was aware and gave permission to Defendant/Counter-
7 Plaintiff to use, and for which Plaintiff/Counter-Defendant wanted to host the
8 aforementioned banner advertisements on www.nhentai.net.

9 14. In August of 2021, Goldberg on behalf of Plaintiff/Counter-Defendant
10 again contacted Defendant/Counter-Plaintiff regarding “putting banners *on nhentai*
11 *galleries of content to which we own the rights...*” (emphasis added).

12 15. Plaintiff/Counter-Defendant represented that it wanted to work with
13 Defendant/Counter-Plaintiff to “put together a working system to show people
14 where they can support the artists they care about...”

15 16. In November of 2021, Plaintiff/Counter-Defendant – through its
16 employee Gavin Wink using his email address of gavin@jastusa.com – contacted
17 Defendant/Counter-Plaintiff to follow up on the prior correspondence stating: “I’d
18 like to run banner ads on uploads of *our manga* that link back to the official store
19 where you can buy them. *I *don’t* want to takedown the uploads of our titles*, just
20 give people an easy option for purchasing them if they do enjoy” (emphases added).

21 17. Plaintiff/Counter-Defendant even asked Defendant-Counter-Plaintiff
22 how much it would cost to run advertisements on www.nhentai.net.

23 18. In April of 2022, Goldberg on behalf of Plaintiff/Counter-Defendant
24 contacted Defendant/Counter-Plaintiff to “work together” regarding galleries on
25 www.nhentai.net for which Plaintiff/Counter-Defendant offered the “official version
26 of the release[s]” or the “official English releases...”

27 19. Plaintiff/Counter-Defendant – through Goldberg – expressly

1 represented to Defendant/Counter-Plaintiff that its intention by proposing to work
2 together was “to keep the doujinshi scene outside Japan alive and well.”

3 20. Plaintiff/Counter-Defendant’s words and intentions could not have
4 been clearer, or as it turns out, more false and misleading.

5 21. Plaintiff/Counter-Defendant represented that its “galleries” and
6 materials for which it “ha[s] the rights” or to which it “own[s] or manage[s] the
7 rights” appear on www.nhentai.net and that it did not want them removed.

8 22. Plaintiff/Counter-Defendant intended that Defendant/Counter-Plaintiff
9 not remove any materials from its website in reliance on the unsolicited, unrestricted
10 permission granted and the representations expressly made by the “managing editor
11 at the manga publisher J18.”

12 23. Plaintiff/Counter-Defendant represented it had content and rights in
13 materials on www.nhentai.net.

14 24. Plaintiff/Counter-Defendant represented it owned or managed the
15 rights in materials on www.nhentai.net.

16 25. Plaintiff/Counter-Defendant represented that materials on
17 www.nhentai.net contained what its employee referred to as “our manga” and “our
18 titles.”

19 26. Plaintiff/Counter-Defendant gave permission to Defendant/Counter-
20 Plaintiff to host Plaintiff/Counter-Defendant’s content on www.nhentai.net.

21 27. In giving such permission, Plaintiff/Counter-Defendant represented
22 that it had the ***right to give*** permission to Defendant/Counter-Plaintiff to host
23 Plaintiff/Counter-Defendant’s purported content on www.nhentai.net.

24 28. Plaintiff/Counter-Defendant expressly represented that it is “not
25 ***interested*** in trying to fight any sites” about anime and manga, but rather that it
26 wanted to “work together” with www.nhentai.net.

27 29. Plaintiff/Counter-Defendant knew at the time it was making the

1 aforementioned representations that Defendant/Counter-Plaintiff had no way to
2 verify whether Plaintiff/Counter-Defendant actually had the rights it represented it
3 had.

4 30. From at least October 29, 2020 through April 21, 2022 – the timeframe
5 in which the above-referenced emails were sent – Plaintiff/Counter-Defendant knew
6 it had not filed or registered any U.S. copyrights.

7 31. Plaintiff/Counter-Defendant knew in 2020 that it had not filed or
8 registered any U.S. copyrights.

9 32. Plaintiff/Counter-Defendant knew in 2021 that it had not filed or
10 registered any U.S. copyrights.

11 33. Plaintiff/Counter-Defendant knew in 2022 that it had not filed or
12 registered any U.S. copyrights.

13 34. Until at least March 19, 2023, Plaintiff/Counter-Defendant knew it had
14 not filed or registered any U.S. copyrights.

15 35. Plaintiff/Counter-Defendant knew it filed its first U.S. copyright on
16 March 20, 2023.

17 36. Plaintiff/Counter-Defendant knew that its managing editor, David
18 Goldberg, had given permission to Defendant/Counter-Plaintiff to use its content
19 and repeatedly doubled down on that permission over a span of three years.

20 37. Plaintiff/Counter-Defendant also knew that, in March of 2023,
21 Goldberg began filing copyrights on Plaintiff/Counter-Defendant's behalf with the
22 United States Copyright Office.

23 38. ***Then having never retracted the unsolicited, unrestricted permissions***
24 ***given*** – on June 10, 2024, Plaintiff/Counter-Defendant proceeded to request a 17
25 U.S.C. §512(h) subpoena (“512(h) Subpoena”) from a Court in the Central District
26 of California seeking to identify the company behind www.nhentai.net ***so that it***
27 ***could sue Defendant/Counter-Plaintiff for alleged copyright infringement.***

1 39. The declaration of Plaintiff/Counter-Defendant's CEO, Dave Adams,
2 filed in support of the 512(h) Subpoena - "under penalty of perjury" - represented:
3 "I have personal knowledge of the copyrights owned by PCR and the ongoing
4 infringements of those copyrights that occur on the internet. I also have personal
5 knowledge of the countless instances that PCR's copyrighted works have been
6 posted without PCR's authorization to nHentai.net."

7 40. The declaration of Dave Adams went on to state that the June 2024
8 alleged copyright infringement notification "identified the copyrighted material
9 being infringed, set forth a listing of the URL containing the infringing material,
10 [and] confirmed that such use of PCR's copyrighted works was not authorized by
11 PCR."

12 41. Likewise, Plaintiff/Counter-Defendant's June 2024 alleged copyright
13 infringement notification - sent by its agent Jason Tucker - stated "under penalty of
14 perjury" that the use of materials was "not authorized by [Plaintiff/Counter-
15 Defendant] and therefore infringes on its rights ..."

16 **XVII. FIRST COUNTERCLAIM – FRAUD/INTENTIONAL**
17 **MISREPRESENTATION**

18 42. Defendant/Counter-Plaintiff realleges and reincorporates the
19 allegations in paragraphs 1-41 of the Counterclaims as though fully set forth herein.

20 43. Plaintiff/Counter-Defendant made representations to
21 Defendant/Counter-Plaintiff that certain facts were true, as set forth in herein.

22 44. Plaintiff/Counter-Defendant knew that the representations were false
23 when Plaintiff/Counter-Defendant made them, and/or they made the representations
24 recklessly and without regard for their truth with an intent that Defendant/Counter-
25 Plaintiff would rely on them.

26 45. From at least October of 2020 through at least July of 2024,
27 Defendant/Counter-Plaintiff justifiably relied on Plaintiff/Counter-Defendant's

1 repeated representations.

2 46. As a result of Plaintiff/Counter-Defendant's intentional
3 misrepresentations and Defendant/Counter-Plaintiff's justifiable reliance thereon,
4 Defendant-Counter-Plaintiff has been damaged in an amount to be proven at trial,
5 which currently exceeds \$500,000.00.

6 47. In doing the acts alleged, Plaintiff/Counter-Defendant acted willfully,
7 fraudulently, maliciously, oppressively and with intent to injure Defendant/Counter-
8 Plaintiff, and with intentional and/or reckless disregard for the rights and interests of
9 Defendant/Counter-Plaintiff, as a result of which Defendant/Counter-Plaintiff are
10 entitled to punitive and exemplary damages against Plaintiff/Counter-Defendant and
11 each of them in such amount as the proof at trial may indicate is appropriate.

12 **XVIII. SECOND COUNTERCLAIM – NEGLIGENT**
13 **MISREPRESENTATION**

14 48. Defendant/Counter-Plaintiff realleges and reincorporates the
15 allegations in paragraphs 1-47 of the Counterclaims as though fully set forth herein.

16 49. Plaintiff/Counter-Defendant represented to Defendant/Counter-
17 Plaintiff that certain past or existing material facts were true, as set forth in herein.

18 50. Plaintiff/Counter-Defendant's representations were false.

19 51. When Plaintiff/Counter-Defendant misrepresented these facts to
20 Defendant/Counter-Plaintiff, even if Plaintiff/Counter-Defendant may have honestly
21 believed their representations to be true, Plaintiff/Counter-Defendant did so having
22 no adequate or reasonable grounds for believing their own representations to be true.

23 52. Plaintiff/Counter-Defendant intended that Defendant/Counter-
24 Plaintiff rely on these representations.

25 53. Defendant/Counter-Plaintiff reasonably relied on Plaintiff/Counter-
26 Defendant's representations.

27 54. As a direct and proximate result of Plaintiff/Counter-Defendant's

negligent misrepresentations, Defendant-Counter-Plaintiff has been damaged in an amount to be proven at trial, which currently exceeds \$500,000.00.

XIX. DEFENDANT'S PRAYER FOR RELIEF

Defendant/Counter-Plaintiff respectfully requests that the Court:

- A. Enter judgment in Defendant/Counter-Plaintiff's favor on each of Plaintiff/Counter-Defendant's claims, dismissing Plaintiff/Counter-Defendant's claims with prejudice;
- B. Award Defendant/Counter-Plaintiff its reasonable costs and fees, including attorneys' fees pursuant to 17 U.S.C. § 505;
- C. On Defendant/Counter-Plaintiff's First Counterclaim, awarding damages in favor of Defendant/Counter-Plaintiff in an amount to be determined at trial, plus interest, Defendant/Counter-Plaintiff attorneys' fees and costs, and an award of punitive and exemplary damages against Plaintiff/Counter-Defendant;
- D. On Defendant/Counter-Plaintiff's Second Counterclaim, awarding damages in favor of Defendant/Counter-Plaintiff in an amount to be determined at trial, plus interest, Defendant/Counter-Plaintiff attorneys' fees and costs against Plaintiff/Counter-Defendant;
- E. Grant Defendant/Counter-Plaintiff such other and further relief as the Court may deem just and proper.

JURY DEMAND

Defendant/Counter-Plaintiff demands a trial by jury on all issues triable by a jury.

DATED: August 25, 2025

Respectfully submitted,

By: /s/ Jennifer M. Rynell

John T. Wilson (*Pro Hac Vice*)

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18 **X SEPARATOR LLC**
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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2025, I electronically filed the foregoing document - **DEFENDANT X SEPARATOR LLC'S FIRST AMENDED ANSWER TO AMENDED COMPLAINT FOR COPYRIGHT INFRINGEMENT AND RELATED CLAIMS, AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS** - with the Clerk of the Court for the U.S. District Court, Central District of California using the CM/ECF system which sent notification of such filing to the following:

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